

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claim 6 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 6 and 8 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

- (a) it is believed that the amendment of claim 6 puts this application into condition for allowance because claim 6 has been amended substantially as suggested by the Examiner;
- (b) the amendment was not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed;
- (c) the amendment of claim 6 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or
- (d) the amendment does not significantly alter the scope of the claims and places the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §112:

A. In the Office Action, at pages 2-4 numbered paragraph 7, claims 6 and 8 were rejected under 35 U.S.C. §112, first paragraph, because the Examiner submitted that the specification, while being enabling for the detection of chronic hepatitis, liver cirrhosis and hepatocarcinoma with liver cirrhosis using mAb KCTC 10261 to detect AsAGP, does not reasonably provide enablement for the diagnosis of any and all liver diseases using any other monoclonal antibody. The Examiner submitted that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. This rejection is traversed and reconsideration is requested.

Independent claim 6 has been amended to replace "liver disease" with --- chronic hepatitis, liver cirrhosis and hepatocarcinoma with liver cirrhosis---.

Hence, since the Examiner has admitted that the specification is enabling with respect to chronic hepatitis, liver cirrhosis and hepatocarcinoma with liver cirrhosis, amended claim 6 is submitted to be in allowable form under 35 U.S.C. §112, first paragraph. Since claim 8 depends from amended claim 6, claim 8 is submitted to be in allowable form under 35 U.S.C. §112, first paragraph, for at least the reasons amended claim 6 is in allowable form under 35 U.S.C. §112, first paragraph.

B. In the Office Action, at pages 4-5, numbered paragraph 9, claims 6 and 8 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

Independent claim 6 has been amended substantially as suggested by the Examiner such that claim 6 lists the steps of the method sequentially.

Hence, amended independent claim 6 is submitted to particularly point out and distinctly claim the subject matter which applicants regard as the invention, to be definite and to be in allowable form under 35 U.S.C. §112, second paragraph. Since claim 8 depends from amended independent claim 6, claim 8 particularly points out and distinctly claims the subject matter which applicants regard as the invention, is definite and is in allowable form under 35 U.S.C. §112, second paragraph, for at least the reasons amended independent claim 6 is particularly points out and distinctly claims the subject matter which applicants regard as the invention, is definite and is in allowable form under 35 U.S.C. §112, second paragraph.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding

objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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